

## ORDINANCE 05-35

### **AN ORDINANCE TO AMEND THE ZONING ORDINANCE #04-09, OF THE TOWN OF NOLENSVILLE, TENNESSEE**

WHEREAS, the Town of Nolensville enacted Zoning Ordinance 04-09 in 2004. Prior to the enactment of 04-09, the Town enacted Ordinance #98-22 in 1998 which amended the initial zoning ordinance of the Town of Nolensville. Subsequent amendments have been enacted prior to the enactment of Ordinance 04-09; and

WHEREAS, The Town of Nolensville Planning Commission met on November 10, 2005, and discussed the need to revise the section of the zoning ordinance on definitions of terms in the ordinance

WHEREAS, the Town of Nolensville Planning Commission has recommended certain the amendments to the Nolensville Board of Mayor and Aldermen,

WHEREAS, the Board of Mayor and Aldermen have conducted a public hearing on \_\_\_\_\_, 2006, thereon; and

WHEREAS, The Board of Mayor and Aldermen believe it is in the best interest of the citizens and residents of the Town to revise the Ordinance 04-09 as it relates to the zoning definitions;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD AND MAYOR AND ALDERMAN, that Zoning Ordinance 04-09 of the Town of Nolensville is amended by revising said ordinance as follows:

#### ***SECTION 1:***

**Article 1.13.2 General Terms is amended to add or delete the following definitions in this section of the zoning ordinance. These shall be placed in alphabetical order among existing definitions.**

**Atrium houses** –A variation of the patio home; has an open court within the interior onto which rooms open. It may also take a free-standing or attached form in rows, groups, or clusters, and may be two stories or more in height

**Attached Senior Housing-** A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling for use as a complete, independent living facility for use by a senior family member (60 years of age or older) with provisions within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the main dwelling.

**Auction House-** A building or structure or lands used for the storage of goods and materials which are to be sold on the premises by public auction and for the sale of the said goods and materials by public auction and on an occasional basis.

**Automotive Major Repair-** A facility which is used for painting, body and fender work, engine overhauling or other major repair of motor vehicles.

**Automotive/Vehicular Sales and Service** – The retail or wholesale sale or rental of automobiles, motorcycles, any other type vehicles including boat, truck and trailer sales, or recreational equipment, along with incidental services or maintenance.

**Cemetery-** The land that is set apart or used as a place for the internment of the dead or in which human bodies have been buried.

**Charitable or Social Organization-** A non-government, not-for-profit, non-commercial organization which carries on social, cultural, welfare, athletic or recreational programs for the benefit of the community.

**Cluster development** – A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. Permitted under Planned Unit Development.

**Community Center-** A building or part of a building used for community activities without purpose of gain, the control of which is vested in the State, County, Municipality, a local board or agent thereof.

**Condominium** – A form of ownership of property under which units of improvements are subject to ownership by different owners and there is appurtenant to each unit as part thereof an undivided share in the common areas.

**Convenience Store-** An establishment where a limited supply of food stuffs, tobacco, patent medicines, periodicals and other similar items or household convenience is kept for retail sale to the public.

**Educational Facility-** A place of instruction under the jurisdiction of a government authority and a place of instruction (excepting a commercially operated trade or vocational school) offering courses equivalent to those customarily offered in a place of instruction under the jurisdiction of a governmental authority, and includes a day nursery and residence buildings for staff and students, provided that such buildings are on the same lot as the place of instruction.

**Emergency Medical Service-** Any institution, building or other premises established for the provisions of emergency medical services to persons afflicted

with or suffering from sickness, disease or injury without the provision of overnight or long term stays.

**Emergency Services-** Services for the community that include the Police Department, Fire Department, and Ambulance and associated services used to address threatening issues with life and property.

**Entertainment Facility-** A building, structure or lot used or intended to be used for the purpose of night clubs, cabarets, cinemas, theaters and the like.

**Fast Food Restaurant with Drive Through-** A building where prepared food for sale or sold to the public for consumption on or off premises but not to include a full-service restaurant where meals are served to customers at tables on the premises.

**Food Service Stands-** A stand, vehicle, trailer, or other device of temporary, portable nature, usually without permanent water/sewer services, not enclosed in a building structure that sells food and related items, not including mobile delivery food services that are parked for a few minutes to complete the sale and delivery of food.

**Financial Institution-** The premises of a bank, trust company, finance company, mortgage company or investment company.

**Fraternal Organization-** A group of people formally organized for a common interest, usually cultural, religious or entertainment with regular meetings, rituals and formal written membership requirements.

**Funeral Home-** A building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation.

**Gasoline Sales and or Services-** A premises where motor vehicle fuels or lubricants are kept for retail sale, and where only minor or emergency repairs essential to the actual operation of motor vehicles may be performed, and where grease, anti-freeze, tires, spark-plugs and other automobile supplies may also be sold incidentally, and where motor vehicles may also be oiled or greased, but where no other activities or a public garage are carried out.

**General Retail-**The selling of goods, wares, merchandise, substances, articles or things at retail but not including auto or vehicular sales, rent-all shops and rental vehicle/equipment businesses.

**Governmental Civic Organizations-** REMOVE FROM ORDINANCE

**Hand Crafted Objects For Sale-** REMOVE FROM ORDINANCE

**Medical Office-** A building or structure where members of the medical profession, dentists, chiropractors, osteopaths, and physicians or occupational therapists provide diagnosis and treatment to the general public without overnight accommodation.

**Nursery, Retail, Wholesale-** Land used for the growing of sod, flowers, bushes, trees or other gardening, landscaping or orchard stock for wholesale or retail sale.

**Park-** An area permanently devoted to recreational uses and generally characterized by its natural, historic or landscaped features, and used for both passive and active forms of recreation designed to serve the residents or a neighborhood, community, region and/or State.

**Patio homes** – a form of single-family attached housing, one story, usually L-shaped. Side and rear yards are often consolidated into one garden area, which is often enclosed by walls or fencing.

**Planned unit development (PUD)**– A land tract in which a multiplicity of land uses may be permitted, designed to facilitate the flexible techniques of land development and site design by providing relief from zone requirements for convention developments. It requires approval of a master, or concept plan, and usually promotes common objectives similar to cluster developments. Rezoning is required since the PUD is an overlay district placed over an existing base zone.

**Personal Services-** A service which administers to the individual and personal needs of persons and includes barber shops, beauty parlors, laundromats, shoe repair shops and depots for collecting dry cleaning and laundry, haberdashery and similar uses.

**Professional Office-** A building or structure designed, intended or used for the practice of a profession but shall not include a retail commercial use, any industrial use, clinic, financial institution or place of amusement or place of assembly

**Religious Institution-** A Church, a Synagogue, a Bible Institute, a Christian Science reading room, a religious library or a religious school.

**Recreational and Athletic Facilities-** A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

**Recreational Equipment-** A vehicle which provides sleeping and other facilities for short periods of time, while traveling or vacationing, designed to be towed behind a motor vehicle, or self-propelled.

**Rent-All Shop-** A building or part of a building where residential, industrial and commercial equipment is kept for rental to the general public and includes such things as lawn and garden tools, floor cleaning equipment, masonry tools, painting and decorating equipment, moving tools, plumbing tools, power tools, and the like.

**Rental Vehicle Business-** A building and/or lot where cars, trucks, or other motor propelled vehicles are rented to the general public for leisure, moving, or other general purposes.

**Restaurant-** A place where food and drink is served to the public for consumption either inside or outside of the building.

**Self Storage Facility-** A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

**Stables/Animal Boarding Facilities-** A building or part of a building in which horses or other animals are boarded or kept for commercial purposes.

**Supermarket-** A building or part of a building wherein food and other household items are kept for sale at retail to the general public and which operates on a self-service, cash and carry basis.

**Upholstery/Furniture Repair-** A premises used in the refinishing and repair of furniture.

**Urban Residential Planned Development (URPD)** – Similar concept as a planned unit development (PUD) but is not applied as an overlay district in this ordinance. It allows a higher density residential detached housing, and attached housing, in accordance with an overall concept plan.

**Utility Facility-** Any above-ground structures or facilities used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil or electronic signals.

**Vehicular Sales-** The retail or wholesale sale or rental of automobiles, motorcycles or recreational equipment, along with incidental service or maintenance.

**Veterinary Office-** A building or part of a building used in the medical care of animals.

**Warehousing and Wholesaling-** A building or part thereof, which is used primarily for the housing, storage, adapting for sale, package or wholesale

distribution of goods, wares, merchandise, food stuff substances, articles and the like but does not include a fuel storage tank.

***SECTION 2:***

The provisions contained herein shall be incorporated in the zoning ordinance #04-09, as amended, which ordinance shall now be designated as ordinance #04-09. The adoption of this ordinance is the adoption of the entire zoning ordinance as modified and amended by this ordinance and the Zoning Ordinance shall hereinafter be referred to as ordinance #04-09.

***SECTION 3:***

The Mayor and Board of Aldermen of the Town of Nolensville, Tennessee, hereby certify that these amendments have been submitted by the Planning Commission of the Town of Nolensville, and a notice of hearing thereof has been ordered has been ordered of the time and place of said meeting has been published in a newspaper circulated in the Town of Nolensville, Tennessee. This Ordinance shall take effect immediately from the date of its final passage, the public welfare demanding it.

\_\_\_\_\_  
Charles F. Knapper, Mayor

Attest: \_\_\_\_\_  
Town Recorder

Approved by: \_\_\_\_\_  
Town Attorney

Passed 1<sup>st</sup> Reading: \_\_\_\_\_

Passed 2<sup>nd</sup> Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_